

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-00327

COUNSEL: None

HEARING DESIRED: Yes SEP 17 1998

APPLICANT REQUESTS THAT:

1. The Officer Performance Reports (OPRs) rendered for the periods 24 November 1986 through 23 November 1987; 24 November 1987 through 23 November 1988; 24 November 1988 through 23 November 1989, 24 November 1989 through 23 November 1990; 24 November 1990 through 23 November 1991; 24 November 1991 through 23 November 1992; 24 November 1992 through 23 November 1993; 24 November 1993 through 31 July 1994; 1 August 1994 through 6 June 1995; 7 June 1995 through 6 July 1996; 7 June 1996 through 30 November 1996 be amended.
 2. The OPR rendered for the period 24 November 1989 through 23 November 1990, Block VI, Rater Overall Assessment, Intermediate Service School (ISS), in residence be added.
 3. The OPR rendered for the period 24 November 1990 through 23 November 1991, Block VI, Rater Overall Assessment, ISS recommendation, be added.
 4. The OPR rendered for the period 24 November 1991 through 23 November 1992, Block VI, Rater Overall Assessment, and Block VII, Additional Rater Overall Assessment, ISS recommendation be added.
 5. The OPR rendered for the period 1 August 1994 through 6 June 1995, duty title be amended to read "Operating Location Chief."
 6. The missing AF Form 475, Education/Training Report, dated 15 December 1995, be added to his Officer Selection Record (OSR).
 7. He be considered for promotion to the grade of lieutenant colonel by a Special Selection Board (SSB) for the Calendar Year 1996C (CY96C) Central Lieutenant Colonel Board.
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APPLICANT CONTENDS THAT:

Virtually all of his OPRs from 1987 on are technically and substantively incorrect insofar as they do not, due to classification restrictions, provide even a remotely accurate depiction of duties performed. In essence, the nature of his duties has been of such a classified nature that his rating officials were confined to writing excessively "vanilla" OPRs. Additionally, his duty history is 'fraught with inaccuracies and duty titles that are incorrect, also based on security restrictions.

In support of the appeal, applicant submits a statement from the rater on the OPRs closing 23 November 1990, 23 November 1991, 23 November 1992, stating that the very nature of applicant's day-to-day duties has for many years been of such a highly classified nature that a great deal of his real accomplishments and duties simply could not be included in the Air Force evaluation system due to security restrictions. This pervasive problem with program security guides in effect tying a rater's hands to a large extent not only impacted applicant's OPRs, but carried over into having to "data mask" duty locations and duty titles. This may have had a negative impact on how applicant's records would be perceived by a central selection board. He did not specifically recommend applicant for ISS in his OPRs closing 23 November 1990 and 23 November 1991, in the Rater Overall Assessment block. He was told that existing AF policy did not allow such recommendations for majors. The OPR closing 23 November 1992 covered the period applicant pinned on major. He again recalls specific AF policy stating he was unable to make such a recommendation due to applicant having just pinned on major. He never intended to convey a negative message to anyone and would have recommended applicant for attendance at ISS.

Applicant also submits a statement from the Chief, Personnel, AFOSI Region 7/DP, stating the duty title on the report is "Chief, Security Operations Product Division" and should read "Operating Location Chief."

Applicant submits another statement from [REDACTED] (Retired), AFOSI, [REDACTED], stating the duty title on the OPR closing [REDACTED] is in error. It reads Chief, Security Operations Product Division. The title should read Operating Location Chief.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant is currently serving on extended active duty in the grade of major.

Applicant was considered and not selected for promotion to the grade of lieutenant colonel by the CY96C Lieutenant Colonel Selection Board.

The applicant submitted three appeals to the Evaluation Report Appeals Board (ERAB) under the provisions of AFI 36-2401, Correcting Officer and Enlisted Evaluation Reports. Applicant appealed to have a missing AF Form 475, Training Report, 15 December 1995, added to his OSR. This was approved by the ERAB and the applicant received SSB consideration by the CY96C board on 19 May 1997 to include the training report.

The applicant submitted two appeals to change the duty title on the OPR closing 6 June 1995 under the provisions of AFI 36-2401. The first appeal was denied by the ERAB on 25 March 1996 and they declined to formally reconsider the second appeal on 25 April 1996.

OER/OPR profile since 1987, follows:

	<u>PERIOD ENDING</u>	<u>EVALUATION OF POTENTIAL</u>
*	23 Nov 87	1-1-1
*	23 Nov 88	Meets Standards
*	23 Nov 89	Meets Standards
*	23 Nov 90	Meets Standards
*	23 Nov 91	Meets Standards
*	23 Nov 92	Meets Standards
*	31 Jul 93	Meets Standards
*	31 Jul 94	Meets Standards
*	06 Jun 95	Meets Standards
	15 Dec 95	Education/Training Report
# *	06 Jun 96	Meets Standards
*	30 Nov 96	Meets Standards

* Contested Reports

Top report at time of CY96C board.

AIR FORCE EVALUATION:

The Chief, Assignment Information Systems, AFPC/DPAIS1, reviewed the application and states that member's duty history on HAF coincides with OPRs contained in the selection folder. Their office has no action at this time.

A complete copy of the Air Force evaluation is attached at Exhibit C.

The Chief, Appeals and SSB Branch, AFPC/DPPPA, reviewed the application and states that the applicant provides no unclassified documentation to support the contested reports were not written in compliance with governing regulations. Air Force policy is that an evaluation report is accurate as written when it becomes a matter of record. It takes substantial evidence to the contrary to have a report changed or voided. To effectively challenge an OPR, it is important to hear from all the evaluators from the reports - not only for support, but for clarification and explanation. The applicant has provided limited information from just a few of the many raters. While the raters support the applicant's appeal, they do not convince them the original reports are invalid. There is no evidence provided in this case that suggests the contested OPRs were written in a manner that violates Air Force policy. AFI 36-2402 clearly states these reports will not contain classified information. The applicant's rater contends he recalls specific Air Force policy that prohibited making recommendations for Professional Military Education (PME). AFR 36-10(C1), 1 Feb 90, is the governing directive and states, in part, "recommendations to select for...PME...are appropriate." PME recommendations are optional, and have never been prohibited. The purpose of the appeals process (to include SSBs) is not to improve the applicant's promotion potential, but to correct substantiated errors or injustices. They do not find reason to amend any of the applicant's last 11 OPRs. In the absence of convincing evidence from the rating chain, they must assume the OPRs are valid. Therefore, they recommend denial of applicant's request.

A complete copy of the Air Force evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluation and has provided his comments to the advisory. He also states that he requests the AFBCMR take his comments into consideration regarding HQ AFPC/DPPPA's recommendation of denial for his appeal. He stands by his original observations provided in his appeal, with these comments added for clarification.

He also submits a statement from AFOSI/CC stating that applicant receive SSB consideration in light of the fact a significant portion of his actual duties and accomplishments were not included in his Record of Performance due to their classified nature.

Applicant's complete response, with attachment, is attached at Exhibit F.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice in regard to applicant's request that his performance reports rendered since 1987 be amended. Applicant believes that these reports do not provide an accurate depiction of duties performed. After having carefully weighed the contents of the applicant's performance reports against the true nature of his assignments and the caliber of his duty performance, we believe he has not been deprived of an opportunity to fairly compete for promotion to the grade of lieutenant colonel along with his peers. Applicant has provided a statement from the rater of the reports who indicates that the very nature of applicant's duties were of a highly classified nature and that a great deal of his accomplishments and duties could not be included on the contested reports. While we understand the restrictions placed on the rating chain members in preparing these reports, we believe that they adequately describe the quality of the applicant's accomplishments and performance during the periods in question. In addition, we note that the applicant has not provided statements from the other rating chain members nor has he provided the Board with reaccomplished reports reflecting the desire amendments. Regardless, the evidence that we reviewed reveals that his performance reports rendered from 1987 to 1996 provided sufficient information in order for him to receive fair and equitable consideration for promotion.
4. Notwithstanding the above determination, we do believe that several corrections to his records are justified. The statement from the rater of the OPRs rendered from 24 November 1989 through 23 November 1992, states that he recalls that specific Air Force policy prohibited PME recommendations being added to performance reports. The Air Force states that no such policy existed. After reviewing the rater's statement, we believe that had the rater been informed that PME recommendations were allowed he would have added the appropriate PME statements to the contested reports. Applicant's duty title on the OPR closing 31 July 1994 was Operating Location Chief. Applicant appears to have had no change in his duties from July 1994 to 6 June 1995. Therefore, we believe the duty title on the OPR closing 6 June 1995 should also be Operating Location Chief. In regard to his request pertaining to the AF Form 475, Education/Training Report, dated 15 December 1995, the corrected form has been placed in his record through administrative channels. In view of the above recommended corrections to his records, we also believe that his corrected record should be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the Calendar Year 1996C Central lieutenant Colonel Board.

5. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

a. The Company Grade Officer Performance Report (OPR), AF Form 707B, rendered for the period 24 November 1989 through 23 November 1990, be amended in Section VI, Rater Overall Assessment, to read as the last sentence "Send to Intermediate School, in residence."

b. The Company Grade OPR, AF Form 707B, rendered for the period 24 November 1990 through 23 November 1991, be amended in Section VI, Rater Overall Assessment, to read as the last sentence "Send to Intermediate Service School, in residence."

c. The Field Grade OPR, AF Form 707A, rendered for the period 24 November 1991 through 23 November 1992, be amended in Section VI, Rater Overall Assessment, and Section VII, Additional Rater Overall Assessment, to read "Intermediate Service School, in residence."

d. The Field Grade OPR, AF Form 707A, rendered for the period 1 August 1994 through 6 June 1995, be amended in Section III, Job Description, 1. Duty Title, to read "Operating Location Chief."

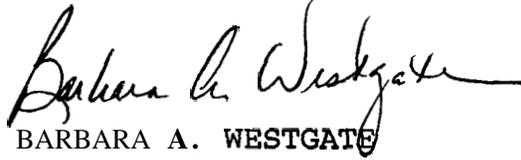
It is further recommended that his corrected record, to include the above amended OPRs and the AF Form 475, Education/Training Report, dated 15 December 1995, be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the **CY96** Central Lieutenant Colonel Board.

The following members of the Board considered this application in Executive Session on 10 August 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair
 Mr. John J. Nethery, Member
 Mr. Robert W. Zook, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 29 January 1997, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPAIS1, dated 28 February 1997.
- Exhibit D. Letter, AFPC/DPPPA, dated 9 April 1997.
- Exhibit E. Letter, AFBCMR, dated 28 April 1997.
- Exhibit E. Applicant's Response, dated 23 May 1997.



BARBARA A. WESTGATE

Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistant Secretary

SEP 17 1998

AFBCMR 97-00327

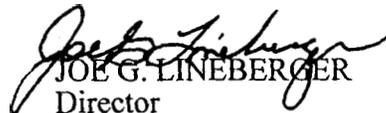
MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A, Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that:

- a. The Company Grade Officer Performance Report (OPR), AF Form 707B, rendered for the period 24 November 1989 through 23 November 1990, be amended in Section VI, Rater Overall Assessment, to read as the last sentence "Send to Intermediate Service School, in residence."
- b. The Company Grade OPR, AF Form 707B, rendered for the period 24 November 1990 through 23 November 1991, be amended in Section VI, Rater Overall Assessment, to read as the last sentence "Send to Intermediate Service School, in residence."
- c. The Field Grade OPR, AF Form 707A, rendered for the period 24 November 1991 through 23 November 1992, be amended in Section VI, Rater Overall Assessment, and Section VII, Additional Rater Overall Assessment, to read as the last sentence "Send to Intermediate Service School, in residence."
- d. The Field Grade OPR, AF Form 707A, rendered for the period 1 August 1994 through 6 June 1995, be amended in Section III, Job Description, 1. Duty Title, to read "Operating Location Chief."

It is further directed that his corrected record, to include the above amended OPRs and the AF Form 475, Education/Training Report, dated 15 December 1995, be considered for promotion to the grade of lieutenant colonel by Special Selection Board for the CY96 Central Lieutenant Colonel Board.


JOE G. LINEBERGER

Director
Air Force Review Boards Agency